



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYNCORA GUARANTEE INC., formerly
known as XL CAPITAL ASSURANCE INC.,

Plaintiff,

-against-

EMC MORTGAGE CORPORATION,
Defendant.

Civ. Action No. 09 CV 3106 (PAC)

~~PROPOSED~~ AMENDED
SCHEDULING ORDER

PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

It is hereby ORDERED that the dates in the above-captioned proceeding set forth in the May 5, 2009 Civil Case Management Plan and Scheduling Order, the Amended Schedule Order dated January 19, 2010, the Amended Scheduling Order dated March 23, 2010, the Amended Scheduling Order dated September 13, 2010, the Amended Scheduling Order dated April 18, 2011, the Amended Scheduling Order dated January 17, 2012, the Amended Scheduling Order dated March 14, 2012, the Amended Scheduling Order dated May 7, 2012, the Amended Scheduling Order dated May 30, 2012, the Amended Scheduling Order dated July 16, 2012, the Amended Scheduling Order dated October 1, 2012, and the Amended Scheduling Order dated December 18, 2012, have been adjourned as follows:

1. All fact depositions and fact discovery must be completed by March 22, 2013, except that borrower discovery may continue until 90 days prior to trial.
2. Requests to Admit must be served by April 5, 2013.
3. The designation of expert testimony and disclosure of expert reports as to any issue on which a party has the burden of proof ("Opening Reports") must be made by June 28, 2013.

4. All expert reports responsive to Opening Reports ("Opposition Reports") must be disclosed by August 9, 2013.
5. By September 20, 2013, the opening parties must disclose any reply reports rebutting specific material in the Opposition Reports ("Rebuttal Reports").
6. All expert discovery, including depositions, must be completed by October 18, 2013.
7. All motions for summary judgment must be served by November 22, 2013.
8. All oppositions to summary judgment must be served by December 30 2013.
9. All reply briefs in support of summary judgment must be served by January 27, 2014.
10. The parties will submit a joint pretrial order on February 28, 2014.
11. Trial shall begin no earlier than April 7, 2014.

Dated: New York, New York
February 11, 2013

SO ORDERED:



PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

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February 8, 2013

By E-Mail

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The Honorable Paul A. Crotty
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: **Syncora Guarantee Inc. v. EMC Mortgage Corporation**
Index No. 09 CV 3106 (PAC)

Dear Judge Crotty:

We represent Plaintiff Syncora Guarantee Inc. ("Syncora") in the above-referenced action, and we write on behalf of both parties. The parties have conferred and agreed upon a proposed revised case management schedule, subject to Your Honor's approval, as set forth in the enclosed Proposed Amended Scheduling Order.

The parties jointly request a six-week extension of the fact discovery deadline to March 22, 2013. The parties have been conferring regarding the scope of their outstanding 30(b)(6) depositions, and are in the process of identifying any remaining issues that may require resolution by the Court. The parties agree that a six-week extension is required to resolve any remaining issues, adequately prepare their witnesses, and take the depositions. In addition, Syncora requires the extension to complete third-party discovery, including the resolution of multiple disputes with third-parties, such as the dispute with Capital One that is presently before Your Honor.

Respectfully submitted,



Philip R. Forlenza
Patterson Belknap Webb & Tyler LLP
Attorneys for Plaintiff Syncora Guarantee Inc.

cc: Eric N. Whitney, Esq.
Darrell Cafasso, Esq.